



PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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Assignee: Cisco Technology, Inc.
Title: RESOURCE MANAGEMENT PROTOCOL FOR
A CONFIGURABLE NETWORK ROUTER
Application No.: 09/714,784 Filing Date: November 15, 2000
Examiner: Hanh N. Nguyen Group Art Unit: 2616
Docket No.: CIS0009P3US Confirmation No.: 5218

Austin, Texas
January 16, 2007

Mail Stop AF
Commissioner for Patents
P. O. Box 1450
Alexandria, VA 22313-1450

PRE-APPEAL BRIEF REQUEST FOR REVIEW

Dear Sir:

Applicant hereby requests review of the Final Office Action, mailed July 18, 2006, and of the Advisory Action, mailed November 14, 2006, in the above-identified application. This Request is being filed concurrently with a Notice of Appeal. Applicant notes that the Advisory Action sets a period for reply that expired on the mailing date of the Advisory Action. This Request is submitted with a petition for a two-month extension of time that extends the period for reply to January 16, 2007 (since January 14 was a Saturday and January 15 was a Federal holiday).

Claims 1, 3-7, 10-43, and 70-82 are pending in the application.

Claims 1, 3-7, 10-14, 18-26, 29-43, 70, 71, and 73-82 stand rejected in the Final Office Action under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 5,361,347 issued to Glider et al. (“*Glider*”). The Advisory Action appears to extend this rejection to claims 27 and 72.

Claims 16, 17, and 28 are under objection in the Final Office Action as being dependent upon rejected base claims, but would be deemed allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. The Advisory Action appears to extend this objection to claim 15.

Applicant offers that the claims are allowable and respectfully requests reconsideration of the pending objections and rejections in view of the following remarks.

Rejections under 35 U.S.C § 102(b)

Applicant respectfully submits that the claims are allowable under § 102(b) because the cited art fails to disclose each limitation of the pending claims. For example, the resource management system of claim 1 includes a resource control block that corresponds to a resource of a communications system. The resource is of one resource type of a plurality of resource types. Further, the resource control block in claim 1 includes **a resource-specific section containing information applicable to the one resource type**. Such a feature is simply not disclosed in the cited portions of *Glider*.

With regard to this limitation, the Final Office Action on p. 3 cites *Glider* at 4:15-20, which includes the statement that “The structure of the RCB differs for each kind of resource.” The Final Office Action argues on p. 5 that the “different **structure** of resource control block for

each kind of resource is a specific information applicable to the one resource type.” (Emphasis in original.)

Applicant respectfully disagrees with this line of reasoning. Merely because the *Glider* RCB has a different *structure* for each kind of resource does not mean that the RCB has a section containing information applicable to one resource type. Indeed, the cited portions of *Glider* say nothing about any *sections* in its different RCB structures, and does not even disclose that the RCBs have any type-specific sections.

Further, even if the Final Office Action’s assertion is correct that the “different structure of resource control block . . . is a specific information” (and Applicant does not concede this point), this assessment still fails to disclose Applicant’s “resource-specific section containing information applicable to said one resource type.” That is, even if the different structures of *Glider* are understood as specific information (which Applicant respectfully asserts is taking the teachings of *Glider* well beyond their reasonable meanings, as would be understood by one of skill in the art, since a “structure” is not normally a replacement for “information” that may be held in that structure), this specific information is not contained in a “section” of a resource control block. Again, the cited portions of *Glider* are silent about any the use of sections in its different RCB structures. Further, any such information in the *Glider* reference is not taught as being in a section that contains information **applicable to said one resource type**, as required by the limitations of claim 1.

The cited portions of *Glider* thus fail to disclose the limitation of “a resource-specific section containing information applicable to said one resource type” that is set forth in claim 1. At least for this reason, independent claim 1, and all claims dependent therefrom, are allowable

under § 102(b). At for similar reasons, independent claims 18, 31, 70, and all claims dependent therefrom, are also allowable under § 102(b).

Dependent Claims 5, 20-26, and 34-39

Dependent claims 5, 20, and 34 stand rejected under § 102(b). However, the Final Office Action offers no reasoning to support these rejections. For example, the Final Office Action does not address the limitation from claim 5 of a resource manager configured to maintain a resource control block **in response to communications between a processor and the resource**. The Final Office Action is silent with regard to this limitation.

At least for this reason, claim 5 is additionally allowable under § 102(b). At least for similar reasons, claims 20 and 34, and claims 21-30 (which depend on claim 20) and 35-43 (which depend on claim 34) are also additionally allowable under § 102(b).

Dependent Claim 14

Dependent claims 14 stands rejected under § 102(b). However, the Final Office Action does not provide a meaningful reference to the cited art in support of the rejection. Claim 14 includes a limitation regarding a “**shelf** resource control block.” The discussion of this claim on p. 4 of the Final Office Action on p. 4 relates to a “**self**” resource manager.

Applicant submits that the Final Office Action’s reasoning is based on a mis-reading of the claim limitation (“self” instead of “shelf”), and that the cited reference does not disclose the use of a “shelf resource control block.” As noted on p. 31 of the Specification, a shelf processor RCB may be used to maintain information regarding group RCBs, which, in turn, maintain information regarding respective ones of line card RCBs, which maintain information

regarding their respective line cards. No such teachings are disclosed in the cited portions of *Glider*. At least for this reason, claim 14 is additionally allowable under § 102(b).

CONCLUSION

Applicant submits that all claims are now in condition for allowance, and an early notice to that effect is earnestly solicited. Nonetheless, should any issues remain that might be subject to resolution through a telephonic interview, the Examiner is requested to telephone the undersigned.

I hereby certify that this correspondence is being deposited with the United States Postal Service as First Class Mail in an envelope addressed to: Mail Stop AE, Commissioner for Patents, P. O. Box 1450, Alexandria, Virginia, 22313-1450, on January 16, 2007.



Attorney for Applicant

2007 Jan 16

Date of Signature

Respectfully submitted,



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